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ART. X. — CRITICAL NOTICES.

1. — *The Compact, with the Charter and Laws of the Colony of New Plymouth ; together with the Charter of the Council at Plymouth, and an Appendix, containing the Articles of Confederation of the United Colonies of New England, and other valuable Documents. Published agreeably to a Resolve passed April 5, 1836. Under the Supervision of WILLIAM BRIGHAM, Counsellor at Law. pp. 357. 8vo. Boston ; Dutton & Wentworth, Printers to the State. 1836.*

THE Legislature of Massachusetts has at various times manifested a very commendable desire to preserve the records and muniments of our forefathers, and to diffuse the knowledge of our colonial and provincial history. In the year 1814, they subscribed for six hundred copies of "Hubbard's History of New England from the Discovery to 1680," which, after lying in manuscript for upwards of a hundred and thirty years, was then for the first time published by the Massachusetts Historical Society, and furnished a copy of it to every town in the Commonwealth, including the District of Maine. In 1824 they purchased three hundred and fifty copies of Mr. Savage's invaluable edition of Governor Winthrop's History of New-England, to be distributed in like manner among the several towns of Massachusetts. Without this liberal and efficient aid, it may be questioned whether either of those important works would have appeared even to this day.

Again, in the year 1812, Hon. Nathan Dane, William Prescott, and Joseph Story were appointed a committee to collect the charters, and the public and general laws, of the colony and province of Massachusetts Bay. The result of their labors appeared in 1814, in a royal octavo volume of 868 pages, of which one thousand copies were printed. In 1818, the Rev. Dr. Freeman, of Boston, Samuel Davis, Esq., of Plymouth, and Benjamin R. Nichols, Esq., of Salem, were appointed by the legislature to examine the records of the Old Colony of Plymouth, which, notwithstanding the union of that colony with Massachusetts in 1691, had been retained, and remained deposited in the office of the register of deeds of Plymouth county. These commissioners were subsequently authorized to cause the most important parts of the records to be transcribed, and the copies to be deposited in the office of the Secretary of State. This duty was intrusted by them to B. R. Nichols, Esq., who performed it with

great fidelity and accuracy. The copies fill eleven folio volumes, which are provided with copious indexes, and can be readily consulted by the historian, the legislator, or the antiquarian.

At the last session of the legislature, by the recommendation of his Excellency the Governor, an appropriation of a thousand dollars was made to defray the expense of arranging and classifying the numerous files of papers and documents deposited in the office of the Secretary of State, which had lain there for ages in a chaotic mass, and consequently had, in the course of time, been not a little reduced in quantity by the abstraction of such loose papers as suited the convenience or taste of inquisitive collectors. The Governor appointed to this office the Rev. Joseph B. Felt, a gentleman whose habits of antiquarian research and familiar acquaintance with our early history eminently qualified him for the place. Ever since his appointment, he has been diligently engaged in examining and arranging this mass of documents, and has succeeded in bringing a portion of them at least into some kind of order. As fast as they were arranged, they have been bound up in large folio volumes, of which twenty are already completed, and provided with indexes. A cursory inspection of these volumes will satisfy any one of the wisdom of the legislative resolve authorizing this arrangement, and of the singular qualifications of the gentleman to whom the work has been intrusted.

It was likewise at the last session of the legislature that a resolve passed, that 1,500 copies of the Laws of the Old Colony of Plymouth should be published for the use of the Commonwealth; and the Governor was authorized to appoint a commissioner to superintend the printing. William Brigham, Esq., received the appointment, and the fruits of his labors we have now before us in the beautifully executed volume, the title of which stands at the head of this notice. In this age of procrastination, particularly in regard to all public works, we feel bound to commend the promptitude as well as the accuracy with which this work has been prepared. The resolve passed on the 5th of April; and within seven months a royal octavo volume of 357 pages has been compiled and carried through the press. As a large portion of it is now first printed from the manuscript records, and as the original spelling is strictly followed, the preparing the copy and correcting the proofs must have been a work of great care and minute attention. We deem it a subject of congratulation, that the editorship of this volume devolved upon one, who was not only so well qualified for the task, but was likewise willing to give to it that personal attention which is essential to secure accuracy in publications of this sort.

The volume is chiefly valuable as illustrating the spirit of our

Pilgrim fathers, and exhibiting the manners, wants, and sentiments of those early times. The laws of a people are one of the best indexes of its character and condition; and this is particularly true of a simple and primitive people like the Plymouth colonists, living together in a small community in a new-found world, and resembling a family or a patriarchal tribe rather than a state or nation. The code before us carries us back to the very infancy of the settlement, shows us the misdemeanors and vices prevalent in the new community, and the penalties that were deemed most proper and efficient to check them. We see the moral as well as the physical difficulties with which the first settlers had to contend, and the remedies which they provided for their relief.

Some of the laws in the Plymouth code give us a very graphic and amusing picture of the simplicity of manners that prevailed in these primitive times, and we cannot refrain from citing one or two of them. The first relates to a custom which we presume will continue to prevail, despite of all laws, so long as the world shall stand. "It is enacted by the Court, that whosoever shall inveigle or endeavour to steal the affections of any man's daughter or maid-servant, or shall make any motion of marriage, not having first obtained leave and consent of the parents or master so to do, shall be punished either by fine or corporal punishment, or both, at the discretion of the bench, and according to the nature of the offence." The next relates to a practice which we fear is nearly as deep-seated as the former in the affections and habits of the community. "It is enacted by the Court, that if any shall be found or seen taking tobacco in the streets of any town within the colonies of this government, or in any barn or out-house, or by the highways, and not above a mile from a dwelling-house, or at his work in the fields, every such person so offending shall forthwith pay twelve pence for every such offence. And for boys and servants that shall offend herein, and have nothing to pay, to be set in the stocks for the first default, and for the second to be whipped. And any person that shall be found smoking of tobacco on the Lord's day, going to or coming from the meeting, within two miles of the meeting-house, shall pay twelve pence for every such default to the colony's use." The last relates to a new species of tythe, if we may not rather call it a new form of the voluntary system. "The Court proposeth it as a thing they judge would be very commendable and beneficial to the towns where God's providence should cast any whales, if they should agree to set apart some part of every such fish or oil for the encouragement of an able, godly minister among them." We seek however in vain among the Plymouth laws for any thing corresponding to the following law passed by the colony of Massachusetts Bay in 1651. "It is ordered by

this Court, that whosoever shall be found observing any such day as Christmas or the like, either by forbearing labor, feasting, or any other way upon any such account as aforesaid, every such person so offending shall pay for every such offence five shillings as a fine to the county."

The publication of this volume is but fulfilling, in part, the recommendation of the commissioners who, in 1818, as we have before mentioned, examined all the records of the Old Colony, and stated it as their opinion that it would be of benefit to the present age, and still more to posterity, to print the most interesting articles, and that it was particularly desirable that the whole of the *laws* should be printed in chronological order. As this has now been so well done in the volume under consideration, we hope that the Legislature will proceed in the good work, and cause other portions of these important records to be printed. We are particularly desirous that the Acts of the Commissioners of the United Colonies, which fill two folio volumes in manuscript, should be published by the authority of the State. These records, it is well known, were transcribed by Ebenezer Hazard, Esq. and compose nearly the whole of his second quarto volume of *Historical Collections*, published in 1794. That work is now exceedingly scarce, and is not free from errors. This scarcity we have heard accounted for in a way which, for the honor of the country, we hope is not true. It has been stated that, on the death of Mr. Hazard, these volumes of State Papers were put up at auction among his other effects, and were purchased and used as wrapping-paper. This is paralleled only by what John Bale, the antiquary, tells us was done with the libraries of the monasteries suppressed by Henry VIII. "A great number," he says, "of them which purchased these superstitious mansions, reserved of these library books some to serve their jakes, some to scour their candlesticks, and some to rub their boots. Some they sold to the grocers and soap-sellers, and some they sent over sea to the bookbinders, not in small number, but at times whole ships full, to the wondering of the foreign nations. I know a merchant man, which shall at this time be nameless, that bought the contents of two noble libraries for forty shillings' price; a shame it is to be spoken! This stuff hath he occupied in the stead of gray paper by the space of more than these ten years, and yet he hath store enough for as many years to come. A prodigious example is this, and a most horrible infamy among the grave seniors of other nations!"

Mr. Nichols, whilst examining and transcribing the records of the Old Colony, went through the laborious process of collating Hazard's printed volume with the original manuscript; and the corrected volume is now deposited in the office of the

Secretary of the Commonwealth. A great part of the labor is thus already performed, and we have hoped that the Legislature, during the present session, would pass a resolve authorizing the reprinting of this corrected volume. Should this be determined upon, we hope that the services of Mr. Brigham will again be put in requisition. The experience and tact that he has acquired ought not to be lost to the community. We trust, likewise, that a selection will be made from the curious and valuable papers which Mr. Felt is arranging, and that the fruits of his labors also will come before the public in a tangible form. Massachusetts is bound, by gratitude to the founders of her institutions, to perpetuate their memory and disseminate the story of their deeds.

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2. — *The Song of the Bell, translated from the German of Schiller, for the Boston Academy of Music*, by S. A. ELIOT. The Music by Andreas Romberg. Boston; Kidder & Wright, printers. 1837.

AMONG other curious particulars on the subject of bells contained in that oddest of books, the "Doctor," it is stated that it was not uncommon for bells to be cast within the precincts of monasteries, and that, as soon as the casting was finished, the bell was baptized, and immediately raised to its place in the belfry, in order that no profane hands might touch it after its consecration. It is probably a scene of this kind, which Schiller intended to represent in his "Song of the Bell." Whether Schiller originally designed it for music, we do not know, though there are some circumstances which lead us to suppose that such was not his intention. However this may have been, it has been made the subject of a musical composition by Andreas Romberg; and it is of the whole, considered as a musical work, that we design to give an account. The German of Schiller has been translated into English for the use of the Boston Academy of Music, by Mr. Eliot. To preserve exactly the mechanical structure of the verse, line for line, syllable for syllable, accent for accent, preserving the rhymes precisely in the same position in which they were placed in the original, was a task which might well have been deemed an impossibility. But in order to give full effect to the music, this was necessary, and, notwithstanding its great difficulty, the translator has succeeded in performing it. Nor only this. We do not hesitate to say, that under all this accumulation of adventitious difficulties, incident to the use which